

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>PATRICK BUSH, Petitioner,</p> <p>vs.</p> <p>UNITED STATES OF AMERICA, Respondent.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING PETITIONER'S MOTION FOR EXTENSION OF TIME</p> <p>Civil Case No. 2:05-CV-646 TS Criminal Case No. 2:01-CR-739 TS</p>
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This matter is before the Court on Petitioner's Motion for Extension of Time, in which Petitioner seeks an additional 90 days to file a request for a Certificate of Appealability ("COA") to challenge this Court's dismissal of his 28 U.S.C. § 2255 petition. The government has not submitted a response to Petitioner's Motion.

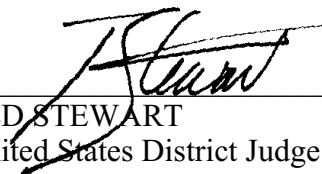
Federal Rule of Appellate Procedure 4(a)(5) provides that the District Court may extend the time to file a notice of appeal if the motion is brought no later than 30 days after the appeal time has expired and the party shows excusable neglect or good cause. Here, Petitioner's Motion for Extension of Time was timely filed. Therefore, the only issue is whether the Petitioner has shown excusable neglect or good cause.

“Good cause comes into play ‘in situations in which there is no fault-excusable or otherwise. In such situations, the need for an extension is usually occasioned by something that is not within the control of the movant.’”¹ Petitioner states that even though the Court’s Order denying his § 2255 Motion was issued on August 7, 2007, he did not receive a copy until August 20, 2007. Additionally, Petitioner asserts that the electronic library at the facility in which he is housed is not working. Petitioner alleges that this will cause delay in the research and preparation for the COA. The Court finds that these circumstances constitute good cause.

Having received no objection and good cause appearing, the Court will GRANT Petitioner’s Motion for Extension of Time (Docket No. 15). Petitioner shall have 90 days from the date of this Order in which to file a COA.

DATED this 19th day of September, 2007.

BY THE COURT:



TED STEWART
United States District Judge

¹*Bishop v. Corsentino*, 371 F.3d 1203, 1207 (10th Cir .2004) (quoting Fed.R.App.P. 4(a)(5) advisory committee’s note (2002 Amendments)).